

## **BOARD OF MAYOR AND ALDERMEN**

**October 2, 2007**

**7:30 PM  
Aldermanic Chambers  
City Hall (3<sup>rd</sup> Floor)**

Mayor Guinta called the meeting to order.

The Clerk called the roll.

Present: Aldermen Roy, Gatsas, Long, Osborne, O’Neil, Lopez, Shea,  
Garrity, Smith, Thibault.

Absent: Aldermen Duval, Pinard, DeVries

Deputy City Clerk Johnson noted that the record should reflect that Alderman Duval was away on vacation, Alderman Pinard was absent to be with his mother who was very ill, and Alderman DeVries was not well and unable to walk this evening as requested by the aldermen.

Discussion with representatives of the Manchester School District relating to whether or not the School District has considered placing their health insurance benefits out to bid.

Mayor Guinta noted that Alderman Gatsas had requested you be present and asked if they wished to articulate on that issue, and then questions would be taken from the Board.

Superintendent Ludwell stated the District is indeed going to go out to bid on the health insurance for the school district and I’ll let Ms. DeFrancis go into details.

Ms. DeFrancis referred to a handout that had been distributed stating that this is a time line of what we actually plan to accomplish over the next few months before the Fiscal Year 09 budget process. We did bring forward to our Finance committee last night a recommendation to hire a consultant to help us with the issuing and the reviewing of the RFP, so they did approve that and we will be looking into that over the next few weeks. We do plan to have somebody hired by the end of October and then for the month of November we would review the RFP proposal with a consultant and get that ready to issue. We do plan on December 3<sup>rd</sup> to have the RFP issued. We would keep that out there for about five weeks and then plan to have the RFP’s back to us by July 7<sup>th</sup>. That would give us about a month to review the RFP’s and to make a recommendation to the Finance Committee on February 4<sup>th</sup> for the full Board on February 11<sup>th</sup>.

Alderman Lopez asked why we would we not or we could extend our consultant to the school department and save an RFP and all that, have you checked into that Dr. Ludwell.

We have a consultant that does our insurance that we negotiated and I was wondering why we don't extend him to the school department since he is very familiar with what is happening in our health plan instead of getting another consultant who's maybe not familiar with all the integrates, and I would like a comment on that.

Dr. Ludwell stated we used the services of your consultant before on a different matter but insurance related and we are considering those services.

Alderman Lopez asked why we would have to go out for an RFP if offer our services.

Ms. DeFrancis responded actually we are not going out for RFP for other consultant we are just going out for RFP for the health insurance.

Alderman Lopez asked if the school department would consider using our consultant.

Ms. DeFrancis responded we would consider it we actually had him on our list of individuals to call to get a price and see if he is available.

Alderman Gatsas asked when was the first letter that we asked you to come in and talk to us about this.

Ms. DeFrancis stated I believe that was in the end of July.

Alderman Gatsas stated so we have gone July, August, September, October and we will be into February when it was very clear that the city side which has about the comparable number of employees saved somewhere in the vicinity of \$1.3 million that certainly this Board would've allowed you to keep in your budget to allocate to other funding for other sources, if you saved that money and went out earlier. Is there a reason why it has taken this long to understand that the city's health insurance savings was \$1.3 million and the school district.

Ms. DeFrancis stated we were aware that the city went out for RFP during the fiscal year 08 budget process, we were not aware of what those savings would be. I'm not sure if the city is aware of what their savings are as of this point. We did talk about it during our budget process that we would go out for fiscal year 09 and it fell right into place for that.

Alderman Gatsas stated the savings for the city is \$1.3 and a reduction of costs to the employees on what they were paying on a bi-weekly basis. So the city is well aware of what their savings are, I think it was something that was characterized in the paper, something that I think the school district should have been looking at a lot sooner than now to see if those savings could have been propelled into your budget to do some of the things that you were looking to do.

Ms. DeFrancis stated how can we determine a savings if it's claims based. Don't you have to wait until your claims come in to determine that there will be a \$1.3 million savings.

Alderman Gatsas stated no I think it was very clear when they came in that the savings came in on administrative costs, claims are claims and those aren't going to change, but I think it's clear that the administration and obviously the savings to the employees was such that we went forward with it and it made a lot of sense.

Ms. DeFrancis stated again we did talk about it during our budget process and that's what this timeline represents.

**3. Welcoming of Mayor Jane Ward and delegation from the Rhonnda Valley in Wales.**

Mayor Guinta recognized a group of very special guests coming back to New Hampshire to visit us again in cooperation with Senator D'Allesandro who is here with us this evening as well. I would very much like to welcome Mayor Jane Ward who is leading the delegation from the Rhonnda Valley in Wales.

Mayor Jane Ward came forward thanking the Board for allowing the delegation to be in their chambers this evening and brought greetings from Wales, UK stating they appreciated the hospitality received in Manchester. Mayor Ward presented the Mayor with gifts from the delegation. The Board was presented with three musical selections of instrument and vocal by children of the delegation which were very well received by all.

**CONSENT AGENDA**

Mayor Guinta advised if you desire to remove any of the following items from the Consent Agenda, please so indicate. If none of the items are to be removed, one motion only will be taken at the conclusion of the presentation.

**Ratify and Confirm Poll Conducted**

- A. On September 13, 2007 approving a public hearing be held on October 2, 2007 relative to an application for a Community Revitalization Tax Relief Incentive for property located at 20 Concord Street (aka Map 9, Lot 12) pursuant to RSA 79-E.

**Accept BMA Minutes**

- B. Minutes of a meeting of the Board of Mayor and Aldermen held on June 5, 2007.

**Pole Petitions – Approve under the supervision of the Department of Highways**

- C. PSNH Pole Petition #11-1168 located on Pine Street;  
PSNH Pole Petition #11-1172 located on Brown Avenue/River Bend; and  
PSNH Pole Petition #11-1173 located on John Devine Drive

**Sidewalk Petitions (50/50 Program FY2007) – Approve subject to the availability of funding**

- D.** Communication from Jay Davini, Public Utilities Coordinator, requesting approval of sidewalk petitions.

**Informational – to be Received and Filed**

- E.** Manchester Health Department Monthly Report Summary, September 2007.
- F.** Minutes of the Mayor’s Utility Coordinating Committee meeting held August 15, 2007.
- G.** Minutes of the MTA Commission meeting held on July 31, 2007 and the Financial and Ridership Reports for July 2007.
- H.** Communication from School Committee Members Kruse and Beaudry requesting the Board reject the proposal to locate Corcoran’s recycling facility at the Brown Avenue Industrial Park.
- I.** Communication from the Johnson and Ogden Families expressing their gratitude for your expressions of sympathy during their recent loss.
- J.** Communication from Comcast submitting their second quarter of 2007 franchise fee payment in the amount of \$341,197.90.

**REFERRALS TO COMMITTEES**

**COMMITTEE ON FINANCE**

- K.** Resolutions:

“Amending the FY2001 and FY2003 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Two Hundred Fifty Thousand Dollars (\$250,000) for the 2001 CIP 740001 CSO Abatement Projects.”

“Amending the FY2007 Community Improvement Program, authorizing and appropriating funds in the amount of Twenty Five Thousand Dollars (\$25,000) for the FY2007 CIP 210007 HIV Counseling & Testing.”

“Amending the FY2008 Community Improvement Program, authorizing and appropriating funds in the amount of Twenty Seven Thousand Six Hundred Sixty Six Dollars (\$27,666) for the 2008 CIP 213908 Manchester Multi-Lingual Asthma Education and Outreach Program.”

“Amending the FY2008 Community Improvement Program, authorizing and appropriating funds in the amount of Ten Thousand Dollars (\$10,000) for the FY2008 CIP 411708 Firesafe Intervention Program.”

“Amending the FY2008 Community Improvement Program, authorizing and appropriating funds in the amount of Twenty Thousand Dollars (\$20,000) for the 2008 CIP 511808 Recreational Improvements Fund Project.”

## **REPORTS OF COMMITTEES**

### **COMMITTEE ON ACCOUNTS, ENROLLMENT AND REVENUE ADMINISTRATION**

- M.** Advising that it has accepted the City's Monthly Financial Statements (unaudited) for the two months ended August 31, 2007 and is forwarding same to the Board for information purposes.  
*(Unanimous vote with the exception of Alderman Thibault who was absent.)*

- N.** Advising that it has accepted the following Finance Department reports:
- a) department legend;
  - b) open invoice report over 90 days by fund;
  - c) open invoice report all invoices for interdepartmental billings only;
  - d) open invoice report all invoices due from the School Department only;
  - e) listing of invoices submitted to City Solicitor for legal determination; and
  - f) accounts receivable summary
- and is forwarding same to the Board for information purposes.  
*(Unanimous vote with the exception of Alderman Thibault who was absent.)*

### **COMMITTEE ON BILLS ON SECOND READING**

- P.** Recommending that Zoning Ordinance:  
"Amending the Zoning Ordinances of the City of Manchester by extending the Neighborhood Business District (B-1) into an area currently zoned Urban Multifamily District (R-3), being a portion of Tax Map 178, Lot 12 with an address of 438 Dubuque Street and abutting Amory Street. A majority of the property is currently zoned R-3 and the petition would extend the B-1 to include the entire lot."  
ought to pass.  
*(Unanimous vote.)*

### **COMMITTEE ON COMMUNITY IMPROVEMENT**

- Q.** Recommending that amending resolutions and budget authorizations for projects be approved as follows:  
210007 HIV Counseling & Testing - \$25,000  
213908 Manchester Multi-Lingual Asthma Education and Outreach Program - \$27,666  
411708 Firesafe Intervention Program - \$10,000  
511808 Recreational Improvements Fund Project - \$20,000  
and for such purposes resolutions and budget authorizations have been submitted.  
*(Unanimous vote.)*
- R.** Recommending that fund transfers revising the Cohas Phase 2 and CSO projects be granted and approved and for such purpose budget authorizations and an amending resolution have been submitted.  
*(Unanimous vote.)*
- S.** Recommending that funds be appropriated to purchase radio equipment for the Police Department. The Committee notes that it has requested the Director of Planning and Community Development, Finance Officer, and the Mayor to make recommendations to the Board regarding funding this request at the October 16<sup>th</sup> meeting of the Board.  
*(Unanimous vote.)*

**HAVING READ THE CONSENT AGENDA, ON MOTION OF ALDERMAN O'NEIL, DULY SECONDED BY ALDERMAN THIBAUT, IT WAS VOTED THAT THE CONSENT AGENDA BE APPROVED.**

**Report of Committee on Accounts, Enrollment and Revenue Administration**

- L.** Advising that it has ratified and confirmed the poll conducted on August 23, 2007 approving conference reimbursement for Frank Thomas and Fred McNeill at the NEWEA Conference held in Boston, MA from January 21-24, 2007.  
*(Unanimous vote with the exception of Alderman Thibault who was absent.)*

Alderman Gatsas noted there were issues with dates and Mr. Thomas's proposed retirement of December 31<sup>st</sup>. It was noted that January 2007 had passed, and he had attended the conference.

On motion of Alderman Gatsas, duly seconded by Alderman Shea, it was voted to accept, receive and file the report.

**Report of Committee on Accounts, Enrollment and Revenue Administration**

- O.** Recommending that an Agreed Upon Procedures audit of the financing related to the Riverfront Development project be obtained from an independent accounting firm to determine if taxpayer monies have been used to pay debt services.  
*(Unanimous vote with the exception of Alderman Thibault who was absent.)*

Alderman Lopez noted that in light of the communication from Kevin Buckley providing a complete detail for the Riverfront project which is self explanatory, he needed some guidance in the bottom line, the information the Finance Officer gave us previously and the riverfront is correct I think it was Alderman Gatsas at one time who indicated at the end of the project that we would get our money due in the end if everything went fine to that degree, so I don't believe there is any need to do any type of an audit, our capable auditor which we all have high respect for has provided us the necessary document that I feel put this thing to rest.

Mayor Guinta concurred.

Alderman Long stated the Committee on Accounts, Enrollment and Revenue Administration recommended this the day prior to the drafting of the letter that we received and it was not a unanimous vote, Alderman Smith opposed this. I would concur with Alderman Lopez that we remove this from the agenda.

Alderman Smith noted that he did vote against it in Accounts Committee.

Alderman Gatsas stated I need some clarity, we were going down a road on the riverfront committee on whether the bonds that we had or the monies in escrow we were holding were sufficient to take care of future taxes and whether they were replenishable line of credit, and I don't think we have that clarified as of yet of whether they can be replenished or not replenished. I don't know if anybody has taken a position on that.

Mayor Guinta stated that was a separate request if I remember correctly.

Alderman Lopez stated I believe we addressed that particular problem. We can put it back in committee but the letters of credit are not, and the Finance Officer is here and I would let him and Kevin Buckley speak because I think it is appropriate for them to answer that question.

Finance Officer Sanders stated the letters of credit are not replenishable and I did discuss that in the report I issued on August 1<sup>st</sup>.

Alderman Gatsas stated if those letters of credit are not replenishable then the shortfall that is going to come to this city is going to be coming very quickly so the taxpayers will be at risk and I don't want to wait until the eleventh hour to figure out how if any way this Board is going to prevent that from happening. So I think that a due diligence should be done and some sort of calculation be given to understand where those letters of credit are and if they do expire, when do we think, and I am not looking for an exact date but certainly that is going to tell us in some sort of parameters if the taxpayers of the city are going to be responsible for that ballpark we should know and understand when, because I don't want to all of a sudden one day say there is only \$100,000 left in that line of credit and the taxpayers are going to take up a burden this year of a million. That's something we should talk about and be prepared as a governing body of how we are going to prevent it if there is any way we can prevent it.

Mayor Guinta requested a report be provided to committee on that issue, and a meeting can be scheduled at the Committee Chair's convenience.

Alderman Lopez stated yes, because there are some areas that we can make a recommendation to the full Board so that does not happen, as you are well aware of we did take \$1.7 million out of the special account to give back to the taxpayers so it is a very good point that you bring up for the future years, and we will address that in committee.

Alderman Gatsas stated well we are back tot he \$1.7 and that is not what I was addressing, because that \$1.7 is just money that we are going to go back and get from them next year because there is no definite that it is gone and it is there, we are going to go after the taxpayers for that \$1.7 million in the next budget cycle, that I can just about assure you.

Mayor Guinta stated if a document can be prepared for the committee and the committee can review it at the appropriate time.

Alderman Lopez moved to reject the outside audit and receive and file the report. Alderman Shea seconded the motion. There being none opposed the motion carried.

7. Nominations to be presented by Mayor Guinta, if available.

Mayor Guinta presented nominations.

**Police Commission**

Calvin Cramer to succeed himself, term to expire September 15, 2010.

**Conduct Board**

Jay Cadorette to succeed himself, term to expire October 1, 2010.

**Board of Recount**

Richard Danais to succeed Andre Martel term to expire October 1, 2009; and  
Arthur J. Beaudry to succeed Peter McDonough, term to expire October 1, 2009.

**Designation by Mayor**

**Board of Recount**

Alderman William P. Shea to succeed himself, terms expiring October 2009.

On motion of Alderman Forest, duly seconded by Alderman Roy, it was voted to confirm the nominations of Calvin Cramer to the Police Commission and Jay Cadorette to the Conduct Board, both of whom were succeeding themselves on said Boards.

Alderman Roy asked if due to the upcoming election it would be helpful to confirm all members of the Board of Recount.

City Clerk Bernier advised that there would be a meeting prior to the upcoming election and so there was plenty of time to follow the rules.

The balance of the nominations would lay over to the next meeting.

8. Report of the Committee on Community Improvement recommending that a request of the Police Department to purchase the following:
  - Two four-wheeled ATV's, a trailer, helmets and two GPS units at an approximate cost of \$12,000;
  - Three traffic counters at a cost of \$8,250; and
  - One radar speed trailer at a cost of \$7,000be approved. The Committee notes that it has requested the Planning and Community Development Director to recommend a source of funding at the October 2<sup>nd</sup> meeting of the Board.  
*(Unanimous vote.)*

Alderman Forest moved to accept the report. Alderman Roy seconded the motion.

Alderman Roy asked for a report on the funding source, and asked this effected the police radios that were also looking for funding.

Mr. MacKenzie stated we have not met, the Finance Director and I met we did not have a chance to meet with the Mayor and go over all the police items. At this point options are



very very limited, and I think there was a phone poll we will be bringing back at the next meeting some options at the October 16<sup>th</sup> meeting for the police radios and for these items too.

Mayor Guinta stated so your request is that we move this item to the next BMA meeting.

Mr. MacKenzie stated I had thought that those items were going to go with the \$175,000 in police radios, so we have not identified any funds.

Alderman Garrity stated there was a phone poll conducted and I was of the understanding when there was a phone poll that it was for these items too, so there may be some communication problems but for the 16<sup>th</sup> it was requested a phone poll to the committee.

Alderman O'Neil stated I don't want to go through a pull the minutes up but I thought there were two very specific actions and I thought the poll referred to radios because there was some discussion at CIP about maybe instead of purchase 50 it makes sense to purchase 200 or 240 I think Alderman Gatsas asked Deputy Simmons who was here that night. I am disappointed that this wasn't taken care of. It's small dollars, it's needed. And I for one thought it was pretty clear it was to be addressed as two separate items.

Mayor Guinta stated maybe there is some confusion because Item F under the consent agenda identifies that there would be a meeting for report back on October 16<sup>th</sup>.

Alderman O'Neil stated regarding the radios.

Mayor Guinta replied that is correct, but it sounds like we need a little time to finish this deal off so without objection if we could put them all together.

Alderman O'Neil stated whether they find all the funds necessary to purchase whatever the number of radios might be I think it is imperative that they come back with a recommendation and a mechanism in place to get this money. Alderman Forest shared with me some of the problems that are going on in northwest Manchester these ATV's could be put to work today, as well as other sections of the city and I think we are all aware we talk to the department regularly speed is probably the biggest issue in the city of Manchester, these are some additional tools to make the police department more effective in doing their job, so I'll give two weeks but I will be pounding the table if there isn't a recommendation in two weeks.

Alderman Forest stated I will withdraw my motion and maybe make a second motion but want to explain my position on the ATV's. The ATV is something that started five years ago by Officer Paul Flemming. He worked going with Fish and Game and private homeowners in the area of Kimball Street. We worked many monthly meetings with lawyers from the

city and two private companies. We finally came up to an agreement and the money fell short. This is a five year process that has been going on. We have an anonymous donor that is going to donate some money for equipment and machines. It's not a very big cost to save an area, for me it is Kimball Street and Hackett Hill. There are people getting in there with ATV's, dirt bikes, police department has no way to go in there with their cruisers. Over and above that we have some areas around the lake, Londonderry/Manchester line and other areas where they are really needed.

Mayor Guinta stated he did not disagree with the need, I would like to deal with it tonight or move it to the 16<sup>th</sup>.

Alderman Forest stated he did not think the 16<sup>th</sup> was a problem and stated he would withdraw his original and move to refer it to the 16<sup>th</sup>.

Alderman Roy did not withdraw his second, stating he wished to move it forward with the purchase and if it is not some community development source we take the \$27,000 out of contingency, this is an important need, Alderman Forest is referring to things on the west side of the river, I have had the mountain patrol up and down the river on the railroad tracks regarding 10 villages, we need them in a city of this size, we need them to be manned and we need them today, so I would like to give the police department the authority to buy them and then either the 16<sup>th</sup> we have a source or we use the \$27,000 out of contingency.

Alderman Lopez stated I have no problem with that but I want to address and I addressed it at the committee I really believe there is no reason in the world that the police department can't order 50 radios I have heard since July their number one is what they need is the radios. I've talked to the Deputy Chief Lussier in reference to buying all of them and all of them expiring at the same time it's not a good idea and he can speak for himself, but I believe that we should authorize like we did last year when we talked about overtime, authorize them to buy them get them on the books order them. Guarantee them the money at the end of the year. We have \$500,000 in contingency, we have another \$700,000 in salary adjustment and it is well known that the surplus that people turn in at the end of the year, which I think at the end of the month we are going to get a report from the Finance Officer. So we are just killing time. The Planning Department where are they going to come up with \$175,000.

Mayor Guinta asked if we could deal with that item on May 1<sup>st</sup> because what you are referring to is not part of item 8.

Alderman Lopez stated he wanted to include that item with item 8, and moved to authorize the Police Department to use their necessary funds to buy 50 radios now and guarantee them the \$175,000 if they need it at the end of the year. Alderman Shea seconded the motion.

Alderman Roy stated one of the items that came up and I don't disagree with where Alderman Lopez is going is that Deputy Simmons was specifically asked by Alderman Gatsas if we purchased somewhere over 200, 240 rings a bell the rest of the radios continue to age, would there be a discount. Deputy Simmons that night did not know and he was suppose to get back to us and as of today he hasn't. It might make financial sense to purchase a larger amount than the smaller amount.

Mayor Guinta stated so even though the item on the consent agenda states that a funding source will be identified at the October 16<sup>th</sup> meeting the current motion pays for it now without a funding source, I'm sorry allows them to purchase it now.

Alderman Lopez stated if they need the money back we will give it to them at the end of the year.

Alderman O'Neil stated we are talking purchasing 50 radios and it doesn't reference item 8.

Mayor Guinta called for a vote and stated it appeared the motion failed. Several aldermen either requested a roll call or discussion or clarification. Mayor Guinta noted that he had expected Alderman Lopez's motion to include item 8.

Alderman Lopez moved to include the 50 radios and all items in item 8. Alderman Shea concurred with seconding the motion.

Alderman Gatsas noted that Deputy Chief Lussier had made it clear that it wasn't just 50 radios. He didn't want to have a police officer at risk because we only do 50 and we needed 52 to protect the officers. We just went through negotiations on a contract that they are over and above the lines of duty and we gave them some extra. I think that it is important that we protect them in the field, and just to order 50 radios I don't know who is going to be designated to pass them out we ought to order all of them and protect them.

Mayor Guinta stated let's take the vote on the motion, if it passes it passes if it fails it fails, we are going to have Finance come back at the next meeting in two weeks to identify funding sources both for the 50 and the entire package of 260.

Alderman Roy stated I still have not pulled my original second to them motion but would ask Alderman Lopez to do the whole amount, the 260, there are surpluses, places where we can pull this money from, this is far more important than many of the things this board spends money on and I would hate to as Alderman Gatsas says, come up with a Band-Aid approach for 50 when we need 260.

Mayor Guinta stated the motion is for 50 so let's take the vote.

Alderman Gatsas stated you are asking me to vote on 50 when I don't think 50 is the number, and if I vote against it is going to look like I am voting against the police and that is not the case so I would make a motion to table until we get all the information at our next meeting.

Mayor Guinta stated the motion is for 50, we are asking Finance and Planning to identify a funding source for the 260 which they are going to come back in two weeks. Everybody here wants to buy radios for the police department, so we have it straight for the public we are going to fund all of the radios, it's just a matter of where we are going to fund it from.

Alderman O'Neil stated I appreciate my colleagues wanting to do the right thing, but now we have three different amounts of radios because those of us who were at the meeting with Deputy Simmons this 260 is not the same number of 240 we were given that night. So we have 50, 240, and 260, let's get this thing right. I am disappointed that we don't have this done tonight but I am willing to give it two weeks and it better come back with the right amount of radios needed at the right dollar amount.

Mayor Guinta noted again that it was to come back in two weeks with a funding source, if the Board wants to do something else so be it.

Alderman Lopez to move the question and requested a roll call.

Alderman Gatsas moved to table. Alderman Roy seconded the motion. A roll call vote was taken. Aldermen Gatsas, O'Neil, and Roy voted nay. Aldermen Long, Osborne, Lopez, Shea, Garrity, Smith, Thibault, and Forest voted yea. Aldermen Duval, Pinard, and DeVries were absent. The motion failed.

A roll call vote was taken on the motion to authorize the police department to move forward with 50 radios, and all of item 8. Alderman Lopez, Shea, Garrity, Smith, Thibault, Forest, Roy, Gatsas, Long, Osborne, and O'Neil voted yea. Aldermen DeVries, Duval and Pinard were absent. The motion carried.

Mayor Guinta advised they would return on the 16<sup>th</sup> for funding of the remaining 210 or whatever the number is.

Alderman Gatsas moved to approve the 210 radios needed. Alderman Roy duly seconded the motion.

Deputy Chief Lussier was called forward.

Alderman Lopez asked what his opinion was of the total number of radios for his officers.

Deputy Chief Lussier stated we need all new radios. It's approaching critical it is not critical yet. My concern is that if we turn around and buy 250 radios today in seven years from now we will be back in the same position we are right now. If we can I would like to stagger it do it in increments so we don't fall into the same boat we are in right now. I appreciate your concern for our officer's safety and that is our number one concern. That is why we are here for radios. If it gets to the point that they are in need of radios we will be back here asking for the radios. If we can get by and do it in increments it would be prudent in the long run to do it that way.

Alderman Gatsas asked Deputy Chief Lussier if he was going to be the judge on whether the 51<sup>st</sup> radio is conducive to somebody's life being in jeopardy, because I don't want to be there.

Alderman Gatsas stated whether it is this year or seven years from now, and if it is 50 a year, why would we put anybody in jeopardy if we have critical situation with radios.

Deputy Chief Lussier responded it is not our intent to put anybody in jeopardy, that's why we are here. Our radios are getting older they are starting to break down, when a car gets older before you go on a 100,000 mile trip you probably want to go out and get a new car before you take that trip.

Alderman Gatsas noted that cars in this city we have them for 200,000 miles so we shouldn't use that for an analogy.

Deputy Chief Lussier stated the radios are getting old. If I thought there was a danger I would be here asking for everything, and if it gets to that point I will be here asking for everything. But if we can do it in increments it might be wiser in the long run otherwise we will be back here with the exact same thing.

Alderman Roy stated Deputy while I appreciate your looking out for our budget, five or seven years from now if there is a seven year life span I would like to see in year five we replace a 100 of these, year six we replace another 100 and year seven we cap it off to all new at the end of the life span of those 240 we are looking to purchase for you now. But my question is how many radios that you currently have in service are past their life span.

Deputy Chief Lussier stated we probably bought two dozen of the newer radios, the majority are beyond their life span.

Alderman Roy stated if we give you all new radios except for the 24 you already purchased, and everyone has a new radio, in five years we start the replacement program same way we talk about fire and other capital costs, would that protect your manpower the best today.

Alderman Roy stated I will amend whatever motion needs to be amended that whatever radio is beyond it's life span gets replaced and the funding sources identified on thee 16<sup>th</sup>.

Mayor Guinta noted the motion was on the floor to purchase the 210.

Alderman Osborne stated I recall when they come before us, I asked the question if we get the 50 radios will the others hold up, they said they could use the used parts they would hold up, 240 was the count that I got that night. Other than that isn't it possible for a new radio to go on the blink as well as an old radio.

Deputy Chief Lussier responded it was less likely but possible, there was no guarantee.

Alderman Forest stated that Deputy Chief Simmons had said they were having difficulty getting parts for the old radios.

Alderman Lopez stated it was \$175,000 for 50 radios and we are talking a total of 260 so about 875,000 to \$900,000.

Mayor Guinta stated that was correct and they would return with a funding source on the 16<sup>th</sup>.

A roll call vote was taken on the motion to approve the 210 radios. Aldermen Gatsas, Long, O'Neil, Garrity, Forest, and Roy voted yea. Aldermen Osborne, Lopez, Shea, Smith, and Thibault voted nay. Aldermen Duval, Pinard and DeVries were absent. The motion carried.

9. Report of the Committee on Community Improvement recommending that a request for funding to relocate the AmeriCorps VISTA Program to the Rines Center be approved at a cost of up to \$13,200. The Committee has requested that a source of funding be presented by the Planning and Community Development Director at the October 2<sup>nd</sup> meeting of the Board.

*(Unanimous vote.)*

Alderman Garrity noted they had found sources of funds with resolutions and budget authorizations presented through a memo from Mr. MacKenzie.

On motion of Alderman Garrity moved to accept the report and refer the communications with resolution and budget authorization to the Committee on Finance. Alderman Shea seconded the motion.

Alderman O'Neil asked if a correction needed to be made.

Deputy City Clerk Johnson advised that the agenda indicated the move to the Rines Center, which was correct, the memo from Mr. MacKenzie should note the correction from the Chase Block to the Rines Center.

Mayor Guinta called for a vote. The motion carried unanimously.

- 10.** Communication from Karen DeFrancis, School District Business Administrator, inquiring as to the status of the approval of the bond resolution for the MST (Manchester School of Technology) Renovation project noting it is the School District' desire to have the project approved immediately so that construction plans and bidding process can be completed by spring.

Alderman Garrity stated I think everybody in this room approves of this project so I guess our next step is to get direction from the Finance Officer to make this go forward in a timely manner.

Mr. Sanders stated that the most straightforward thing to do would be to pass a bond resolution, not setting a time to issue the bond the bond could be issued in Fiscal 2009, but part and parcel of approving a bond resolution would be to give me the authority to actually provide the money, about \$700,000 is what is required over the next 7 ,months as the project moves along, 75% of that will be reimbursed by the state but I would have to release about \$700,000 over the next six or seven months. I would recommend a bond resolution and I have done a draft of one being distributed now, it has no set time it would be up to the mayor and finance officer as to when. I have consulted with the city solicitor in the course of that as well.

Alderman Garrity asked if it would have to lay over or go to public hearing.

Deputy City Clerk Johnson advised the bond resolution action now would be to read it by title, refer it to Finance, and it could come out as an ought to pass and lay over, it would not require a public hearing but would have to lay over to the next meeting so it could not be passed in completion this evening.

Alderman Garrity so moved to read the resolution by title only. Alderman Lopez duly seconded the motion.

Alderman Gatsas asked if there was any reason why they wouldn't pay the \$700,000 out of an account they have and do the bonding in next year's budget. We are going to get reimbursed for it, it was not like they were spending \$2.4 million. We only have to front probably in the next six or eight months \$700,000, and I don't know why we wouldn't do that and not get into a bond situation until we are in our next budget cycle.

Mayor Guinta noted that this is just the resolution we wouldn't issue the bond until the next fiscal year.

In response to further comments from Alderman Gatsas, Finance Officer Sanders advised that he could provide the money in anticipation of getting the bond proceeds and we will be reimbursed 75% of the \$700,000 over the next several months.

Mayor Guinta stated we as an alternative could identify the amount of money we would need over the next 6 months, identify that and a funding source for it, take a vote on that and then replenish that fund when the bond resolution is issued, we could ask CIP to come back with the funding source. Mayor Guinta then requested clarification of the \$400,000 versus \$700,000.

Mr. Sanders replied that his conversations with Mr. Clougherty today indicated \$700,000 would be required.

Alderman Gatsas stated with this resolution there is contingency if I remember from the 10 million dollar project, and I don't want to run into the same problems with the 100 million dollar project, that there are contingencies in there and I go through a list that I am looking at today that says WB Mason for 875,000 and I don't know what that is, paper supplies, chairs, desks or whatever, so I think this Board should have some sort of understanding of what that contingency is and who can allocate it and how it is allocated, rather than just seven members having the ability to distribute one or two million dollars, or three members. Alderman Gatsas asked the City Solicitor if there was any way they could put that into the resolution that it has to come back tot his board for some sort of identification.

Solicitor Clark responded no. The state law specifically states that construction project, remodeling additions are under the jurisdiction of the Joint School Building Committee and they control the funds after it's given to them.

Alderman Gatsas stated including contingency.

Solicitor Clark stated the funding for the project goes to the Joint School Building Committee and they control it.

Mayor Guinta asked about the million plus in the insurance.

Mr. MacKenzie stated there was a reserve, Mr. Clougherty testified tot he Board that there was a reserve of \$1.5 million that was going to be released likely in October of next year and at the time they also testified that there was roughly a potential balance of \$400,000 in the school reconstruction project.

Alderman Gatsas noted that Mr. Clougherty was shaking his head no.



Alderman Roy asked if we authorize the resolution tonight, the sale of the bond is actually in FY09, so when in 09 it is sold we would have partial payments in 2009 and full payments in FY2010.

Mr. Sanders responded yes, depending on when it was issued in 09, if it was issued in June or July there would probably be a payment due in December 2008.

Alderman Roy stated so by authorizing the bond tonight we move this project forward, we now have the rest of FY08, most of Fiscal Year 09 till we sell the bond if we need to sell the bonds, if we come up with another funding source as Alderman Gatsas was looking for we can absolve this resolution the project is reimbursed by the state those bonds are not sold and it moves the project forward so I don't know why we are worried about the tax rate today, if we do come up with another funding source we have to do it by the end of FY09.

Alderman Lopez stated as Alderman Roy said, this is just a resolution to give the Finance people authority to move money around like they do all the time on every project.

Alderman O'Neil addressed Tim Clougherty stating it looks like timing is of the essence here from getting contract documents going, has contract design work started.

Mr. Clougherty responded the design work has started we've engaged the services of architectural and engineering team to bring the design development stage, between 25 and 40 percent in order for us, the school district, to prepare their application to the state.

Alderman O'Neil stated by not getting the project moving it would delay this thing to 2009.

Mr. Clougherty stated by not getting the project going we are jeopardizing the timeline if we are waiting until the traditional CIP process in calendar year 2008 obviously time value money is going to be a factor as well as scheduling the project.

Alderman O'Neil stated so that's why the request to act tonight.

Mr. Clougherty stated I believe so.

Alderman O'Neil stated because as of right now you cannot have your design team move forward.

Mr. Clougherty stated that is correct, we are out of funds.

Alderman Long stated I am for this resolution my concern is come March 2009 if it sits before the public works and highway and it has no resolution, whether or not that committee

would roll over the funding would be at issue, if the city hadn't passed a resolution, then I believe that money would be in jeopardy whether they'd allow the money to roll over.

Alderman Shea stated I think the whole purpose of trying to get the appropriation, the bond, is so the people involved can get the best type of help they need. The sooner they go out for a bid the better off they are because they reason that the construction companies will have work they will be obligated to do, so the sooner they get the resolution as far as the bonding the better off it is for them and I believe that the lady that presented that before the school district indicated that, that is what they need it for. It makes no difference whether we put a resolution through, we are arguing over practically nothing, it just seems we just waste time discussion things that have no relevancy that can't be resolved, we can put a resolution down as Alderman Garrity says, we can approve it look for \$700,000 if that's the best way to do it, but we beat things to death at the Board meeting here.

“Authorizing Bonds, Notes or Lease Purchases in the amount of Two Million Four Hundred Seventy Five Thousand Dollars (\$2,475,000) for the City of Manchester's portion of the costs for renovating the Manchester School of Technology.”

On motion of Alderman Roy, duly seconded by Alderman Forest, it was voted to waive reading by title only.

On motion of Alderman Garrity, duly seconded by Alderman O'Neil, it was voted to refer the Bond Resolution to the Committee on Finance.

On motion of Alderman Thibault, duly seconded by Alderman Forest, it was voted to recess the regular meeting to allow the Committee on Finance to meet.

Mayor Guinta called the meeting back to order.

### **OTHER BUSINESS**

A report of the Committee on Finance was presented recommending that Resolutions:  
“Amending the FY2001 and FY2003 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Two Hundred Fifty Thousand Dollars (\$250,000) for the 2001 CIP 740001 CSO Abatement Projects.”

“Amending the FY2007 Community Improvement Program, authorizing and appropriating funds in the amount of Twenty Five Thousand Dollars (\$25,000) for the FY2007 CIP 210007 HIV Counseling & Testing.”

“Amending the FY2008 Community Improvement Program, authorizing and appropriating funds in the amount of Twenty Seven Thousand Six Hundred Sixty Six Dollars (\$27,666) for the 2008 CIP 213908 Manchester Multi-Lingual Asthma Education and Outreach Program.”

“Amending the FY2008 Community Improvement Program, authorizing and appropriating funds in the amount of Ten Thousand Dollars (\$10,000) for the FY2008 CIP 411708 Firesafe Intervention Program.”

“Amending the FY2008 Community Improvement Program, authorizing and appropriating funds in the amount of Twenty Thousand Dollars (\$20,000) for the 2008 CIP 511808 Recreational Improvements Fund Project.”

“Amending the FY2005 and FY2008 Community Improvement Programs, transferring, authorizing and appropriating funds in the amount of Ten Thousand Eight Hundred Forty Four dollars and Sixty Six Cents (\$10,844.66) for the FY2008 CIP 810708 VISTA Office Relocation Project.”

ought to pass and be Enrolled; and further that Bond Resolution:

“Amending the FY2005 and FY2008 Community Improvement Programs, transferring, authorizing and appropriating funds in the amount of Ten Thousand Eight Hundred Forty Four Dollars and sixty Six Cents (\$10,844.66) for the FY2008 CIP 810708 VISTA Office Relocation Project.”

ought to pass and lay over.

On motion of Alderman Garrity, duly seconded by Alderman Shea, it was unanimously voted that the report of the Committee be accepted, received and adopted.

A report of the Committee on Public Safety, Health and Traffic was presented advising that that it has approved the following:

- Additional Street Parking for Verizon Wireless Arena staff from October 10 to 20 to accommodate the upcoming circus event; and
  - A Wayfinding Sign Package submitted by Planning for a pilot program;
- (Unanimous vote.)*

On motion of Alderman Osborne, duly seconded by Alderman Long, it was voted to accept, receive and adopt the report as presented.

A report of the Committee on Public Safety, Health and Traffic was presented recommending that and In Vehicle Parking Meter pilot program be approved and for such purpose that ordinance amendment:

“Amending Chapter 70: Motor Vehicles and Traffic of the Code of Ordinances of the city of Manchester; 70.48 by adding a new section (E) to allow the Parking division to move forward with an In Vehicle Parking Meter pilot program in accordance with the presentation approved by the Mayor and Board of Aldermen.

be considered for adoption under the suspension of rules.

*(Unanimous vote.)*

Alderman Osborne moved to accept, receive and adopt the report. Alderman Long duly seconded the motion.

Alderman Gatsas stated he had some questions, noting when I have to read about something in the paper that's not even on an agenda I get a little alarmed, not that I think that this is any difficult task but I certainly have some questions about this project, and I don't know if they were asked in Committee because I wasn't here and I didn't know they were going to be on the agenda for the rest of us aldermen to ask the questions. I noticed that we are looking for customer convenience and I think that is important. Can you tell me right now the credit card fee is at 22% and I understand that this is going to alleviate that credit card fee.

Ms. Stanley responded that we believe that most of the people that are going to be taking advantage of this program are predominately credit card payers right now and we would be replacing a lot of the credit card usage with similar usage that comes at a lower fee.

Alderman Gatsas asked and what is that fee.

Ms. Stanley replied it depends on the device that we end up recommending. The fee for the highest price is 20% and that's before negotiations. Another device is 0 cost for the city it's all on the consumer, and the other one is 7%.

Alderman Gatsas stated so the consumer at some point, if we go with the lower one to avoid the 20% fee she is going to be charged a fee and what is that fee that could be charged to the consumer.

Ms. Stanley stated that particular device is a \$4.95 per month lease and I don't have the information on what the additional charge is for loading up parking funds at this point.

Alderman Gatsas asked if there was a reason why they weren't getting this information before you make a decision to even go through with a satellite program.

Ms. Stanley stated it was submitted to the traffic committee agenda and sent out prior to the meeting this evening.

Alderman Gatsas asked that was on the agenda this evening as an item.

The response was that it had been on the agenda.

Alderman Gatsas stated so you had no more information for the committee other than what you told me that we are not sure what the cost was going to be.

Ms. Stanley stated I know what the cost is going to be for the individual meters however they are all different so the results of the pilot program are going to tell us which meter we are going to recommend and it is assumed that we would be able to negotiate with the vendor to get some of the pricing down from what I have now.

Alderman Gatsas stated right, but at \$4.95 a month that's about \$60 a year.

Ms. Stanley stated for that particular meter yes.

Alderman Gatsas stated it looks like this is basing it on consumption of somewhere at least three times a week, cause obviously if you put a parking meters three or more times per week during enforcement hours, not have any pas due. There has to be some sort of number that says the \$60 is not going to charge somebody. What is it now 50 cents per hour. And if we are going to increase that, if it's 10 hours a month then it really is going to \$1 per hour if somebody is using it.

Ms. Stanley stated that is what will happen with that particular meter. The other two that we are testing are outright purchases by the consumer, one is for \$10, one is \$25.

Alderman Gatsas asked what the additional cost to the city for those meters was.

Ms. Stanley stated nothing, the consumer would be expected to purchase the device.

Alderman Gatsas stated and there is no additional fees to anybody.

Ms. Stanley stated for the purchase no, for loading up the funds yes, there is additional fees.

Alderman Gatsas asked and what are the fees.

Ms. Stanley replied it depends on the device, one is 7%.

Alderman Gatsas stated and that is charged to the consumer

Ms. Stanley replied no, it's charged to the city, the 7% that they would roll into their account is significantly less than the 22% we are currently paying in credit card fees.

Alderman Gatsas however, I assume the device tells you how much money is left on it if you decide to park. Portsmouth I understand is looking to sue the same technology following our results.

Ms. Stanley replied Portsmouth is actually pilot programming one of the devices in October, and Concord is also seriously considering testing the same device in December or October.

Alderman Gatsas asked and what do you think the savings for the city is going to be.

Ms. Stanley replied until I run the pilot program I can't tell you that.

Mayor Guinta called for a vote on the motion to accept the report. The motion carried with Alderman Gatsas recorded in opposition.

Alderman Long moved to suspend the rules and place the ordinance on its final reading at this time without referral to committees. Alderman Shea duly seconded the motion.

Alderman Gatsas asked who is responsible if it malfunctions and the customer gets a ticket.

Ms. Stanley replied I suppose it would depend if the meter wasn't operational, and they brought the meter in and it wasn't operational we would void the ticket, and the company that they bought the meter from would be responsible for replacing it.

Alderman Gatsas asked why that was not happening today when the meter was not functioning and somebody can't get a slip of paper out of it.

Ms. Stanley stated it does now, if they call it and we go out and inspect it and it is malfunctioning we will void the ticket.

The motion carried with Alderman Gatsas recorded in opposition.

“Amending Chapter 70: Motor Vehicles and Traffic of the Code of Ordinances of the city of Manchester; 70.48 by adding a new section (E) to allow the Parking division to move forward with an In Vehicle Parking Meter pilot program in accordance with the presentation approved by the Mayor and Board of Aldermen.

On motion of Alderman Garrity, duly seconded by Alderman Smith, it was voted to waive reading the ordinance by title only.

This Ordinance having had its final presentation, on motion of Alderman Long, duly seconded by Alderman Thibault, it was voted that the Ordinance be Ordained. Alderman Gatsas was recorded in opposition.

- 15.** Consideration of a Community Revitalization Tax Relief Incentive application for property located at 20 Concord Street (AKA Map 9, Lot 12).

Deputy City Clerk Johnson advised the Board of the suggested motion and further noted for the record that the assessed value previously mentioned at public hearing in the amount of \$840,000 should be recorded at \$800,000.

On motion of Alderman Lopez, duly seconded by Alderman Shea, voted to approve the Community Revitalization Tax Relief Incentive application of Ben Gamache for property located at 20-22 Concord Street (AKA Map 9, Lot 12) pursuant to RSA 79-E for a period of 5 years to begin upon completion of the substantial rehabilitation as evidenced by the issuance of a Certificate of Occupancy and find that the subject property is a qualifying structure located in the Central Business District, the proposed rehabilitation qualifies as substantial rehabilitation, the proposed office, restaurant and/or retail commercial uses, are consistent with the Master Plan and development regulations of the City and would enhance the economic vitality of the downtown, thereby providing a public benefit under RSA 79-E:7; subject to the recording of a covenant at ensuring that the structure will be rehabilitated and maintained for office, restaurant and/or retail commercial uses as proposed for the duration of the tax relief period, and providing that a casualty insurance policy sufficient to ensure the proper restoration or replacement of any damaged property be maintained by the building owner for the duration of the tax relief period. The covenant shall further provide the City of Manchester a lien against proceeds from a casualty claim to ensure that the process of restoration, rebuilding or demolition occurs in a timely manner (within one year) following a claim. This covenant shall be recorded at the Hillsborough County Registry of Deeds and shall be a burden upon the property and bind all transferees and assignees of said property. If renovation is not completed by July 1, 2008, this motion and vote shall be null and void.

**16. Ordinance:**

“Amending the Zoning Ordinances of the City of Manchester by extending the Neighborhood Business District (B-1) into an area currently zoned Urban Multifamily District (R-3), being a portion of Tax Map 178, Lot 12 with an address of 438 Dubuque Street and abutting Amory Street. A majority of the property is currently zoned R-3 and the petition would extend the B-1 to include the entire lot.”

On motion of Alderman Roy, duly seconded by Alderman Long, it was voted to waive the reading by title only.

This ordinance having had its second presentation by title only, on motion of Alderman Roy, duly seconded by Alderman Long, it was voted that the Ordinance be Enrolled.

On motion of Alderman Thibault, duly seconded by Alderman Smith, it was voted to recess the regular meeting to allow the Committee on Accounts, Enrollment and Revenue Administration to meet.

Mayor Guinta called the meeting back to order.

A report of the Committee on Accounts, Enrollment and Revenue Administration, was presented advising that Ordinances:

“Amending the Zoning Ordinances of the City of Manchester by extending the Neighborhood Business District (B-1) into an area currently zoned Urban Multifamily District (R-3), being a portion of Tax Map 178, Lot 12 with an address of 438 Dubuque Street and abutting Amory Street. A majority of the property is currently zoned R-3 and the petition would extend the B-1 to include the entire lot.”

“Amending Chapter 38: Code Enforcement of the Code of Ordinances of the City of Manchester by deleting the penalties relating to dog fouling in Section 38.06(A): Citation Penalties and replacing them with new penalties for violations of Section 90.04.”:

were properly Enrolled; the second having laid over from the previous meeting pursuant to the rules.

On motion of Alderman Thibault, duly seconded by Alderman Smith, it was voted to accept, receive and adopt the report as presented.

- 20.** Communication from Kevin Buckley, Independent City Auditor, advising that after his analysis an audit of the Riverfront Development project will not give the Board any further information or confidence and would be an unwise use of city funds.

This item having been considered with a previous report of the Committee on Accounts, on motion of Alderman Garrity, duly seconded by Alderman Thibault, it was voted to receive and file the communication.

- 21.** Communication from Virginia Lamberton, Human Resources Director, submitting a health insurance update.

On motion of Alderman Osborne, duly seconded by Alderman Smith, it was voted to accept the report.

- 22.** Communication from Virginia Lamberton, Human Resources Director, on behalf of the Quality Council, recommending an award of \$500 to Ms. Colleen Driscoll, Police Payroll Coordinator for her suggestion submitted to the Bright Ideas Program.

At the request of Ms. Lamberton, on motion of Alderman Lopez, duly seconded by Alderman Shea, it was voted to approve the recommendation and table the presentation to an appropriate time.

**23. Ordinances:**

“Amending the Zoning Ordinances of the City of Manchester by extending the Neighborhood Business District (B-1) into an area currently zoned Urban Multifamily District (R-3), being a portion of Tax Map 178, Lot 12 with an address of 438 Dubuque Street and abutting Amory Street. A majority of the property is currently zoned R-3 and the petition would extend the B-1 to include the entire lot.”

“Amending Chapter 38: Code Enforcement of the Code of Ordinances of the City of Manchester by deleting the penalties relating to dog fouling in Section 38.06(A): Citation Penalties and replacing them with new penalties for violations of Section 90.04.”:

On motion of Alderman Roy, duly seconded by Alderman Forest, it was voted to waive readings of this item.

These Ordinances having had their final presentations, on motion of Alderman Thibault, duly seconded by Alderman Forest, it was voted that the Ordinances be Ordained.

**24. Resolutions:**

“Amending the FY2001 and FY2003 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Two Hundred Fifty Thousand Dollars (\$250,000) for the 2001 CIP 740001 CSO Abatement Projects.”

“Amending the FY2007 Community Improvement Program, authorizing and appropriating funds in the amount of Twenty Five Thousand Dollars (\$25,000) for the FY2007 CIP 210007 HIV Counseling & Testing.”

“Amending the FY2008 Community Improvement Program, authorizing and appropriating funds in the amount of Twenty Seven Thousand Six Hundred Sixty Six Dollars (\$27,666) for the 2008 CIP 213908 Manchester Multi-Lingual Asthma Education and Outreach Program.”

“Amending the FY2008 Community Improvement Program, authorizing and appropriating funds in the amount of Ten Thousand Dollars (\$10,000) for the FY2008 CIP 411708 Firesafe Intervention Program.”

“Amending the FY2008 Community Improvement Program, authorizing and appropriating funds in the amount of Twenty Thousand Dollars (\$20,000) for the 2008 CIP 511808 Recreational Improvements Fund Project.”

“Amending the FY2005 and FY2008 Community Improvement Programs, transferring, authorizing and appropriating funds in the amount of Ten Thousand Eight Hundred Forty Four Dollars and Sixty Six Cents (\$10,844.66) for the FY2008 CIP 810708 VISTA Office Relocation Project.”

On motion of Alderman Roy, duly seconded by Alderman Thibault, it was voted to waive the readings by title only.

On motion of Alderman Osborne, duly seconded by Alderman Shea, it was voted that the Resolutions pass and be Enrolled.



## **TABLED ITEMS**

- 25.** Report of the Committee on Bills on Second Reading recommending that Ordinance:
- “Amending the Zoning Ordinance of the City of Manchester by extending the B-2 (General Business) zoning district to include property currently zoned IND (Industrial) located on the south side of Gold Street east of the former Lawrence Branch of the B&M Railroad and including the following three lots Tax Map 875-14, 875-15, 875-16.”
- ought to pass.
- (Aldermen Duval, Lopez, Garrity and Pinard recorded in favor; Alderman Gatsas opposed.)*  
*(Tabled 09/05/2006)*

This item remained on the table.

- 26.** Report of the Committee on Bills on Second Reading recommending that Ordinance:
- “Amending the Zoning Ordinance of the City of Manchester by extending the R-3 (Urban Multi-family) zoning district to include property currently zoned R-1B (Single-family) located on a portion of Tax Map 691 Lot 143-1 that will be on the north side of a proposed Gold Street Bypass and adjacent to Bradley Street and the New St. Augustin’s Cemetery.”
- ought to pass.
- (Aldermen Duval, Lopez, Garrity and Pinard recorded in favor; Alderman Gatsas opposed.)*  
*(Tabled 09/05/2006)*

This item remained on the table.

- 27.** Report of the Committee on Community Improvement advising that it has requested staff to prepare documents to provide that the City agree to extend the term on the 2<sup>nd</sup> mortgage relating to Lowell Terrace Associates property located at the northwest corner of Lowell and Chestnut Streets to coincide with the expiration of the existing first mortgage in 2013.
- (Unanimous vote)*  
*(Tabled 05/15/2007. Additional materials provided by Finance enclosed.)*

This item remained on the table.

- 28.** A Majority report of the Committee on Bills on Second Reading recommending that Ordinance:
- “Amending the Zoning Ordinance of the City of Manchester by extending the General Business District (B-2) into an area currently zoned Residential One Family District (R-1B), being a portion of Tax Map 381, Lot 47 with an address of 466 South Willow Street and abutting South Lincoln, South Willow and Parkview Streets. A majority of the property is currently zoned B-2 and the petition would extend the B-2 to include the entire lot.”
- be denied at this time.

The Committee notes that the business owner should work with the neighborhood and may return with a petition after addressing issue as noted in a communication from Alderman Garrity enclosed herein.

*(Aldermen Garrity, Pinard and Duval in favor. Aldermen Lopez and Gatsas opposed.)*  
*(Tabled 06/05/2007)*

A Minority report of the Committee on Bills on Second Reading recommending that Ordinance:

“Amending the Zoning Ordinance of the City of Manchester by extending the General Business District (B-2) into an area currently zoned Residential One Family District (R-1B), being a portion of Tax Map 381, Lot 47 with an address of 466 South Willow Street and abutting South Lincoln, South Willow and Parkview Streets. A majority of the property is currently zoned B-2 and the petition would extend the B-2 to include the entire lot.”

ought to pass.

The minority advises that the proposed zoning, in its opinion, is consistent with the highest and best use of the property and that neighborhood concerns can be best addressed through the development process at the Planning Board level, therefore, that such rezoning should be considered subject to the Planning Board approving any plans for development of the property.

*S/Alderman Lopez*

*(Tabled 06/05/2007)*

(Note: additional communications from Alderman Garrity and petitions enclosed.)

This item remained on the table.

## **29. NEW BUSINESS**

Alderman Lopez asked if the Mayor or Board could make a determination because he had questions from some of the department heads, there seems to be a misunderstanding. If there was something on the agenda I thought they were suppose to be here, and unless somebody requested them, and some say there is a policy that they have to be here, did you make a policy.

Mayor Guinta replied I believe there is a policy that if there is anything on the agenda they are required to be here.

Alderman Lopez stated that is the way I understood it.

Mayor Guinta stated so we will send out a reminder to all department heads.

Alderman Lopez stated right because there are some department heads here tonight so they shouldn't even be here.

Alderman O'Neil stated the only downfall with what Alderman Lopez has said and I have been here long enough to see it happen, even if it isn't on the agenda and something comes up new or a different question and then the department head didn't think he had to be here and then the question comes up, it happens fairly regularly. I know it is not convenient for them to be here but to me it makes life easier if they are here to answer questions that night.

Mayor Guinta stated it is the Board's pleasure as far as I am concerned.

Alderman O'Neil stated I have just seen it enough over the years if we have to table something because someone isn't here to answer it whether it is on the agenda or not.

Alderman Lopez stated I just think we all know what questions, if we read the agenda and if we want somebody here for an issue that an alderman has, say I am going to ask a question and I want you here to answer that I think we have that responsibility. To have everybody here just sitting here for three or four hours, but department heads do go to meetings at neighborhoods, the police go all over the place so I am just trying to get a clear policy and if the board wishes for them all to be here, fine. But let's make it.

Mayor Guinta suggested Alderman Lopez poll the individual members and then let me know and I'll let the departments know before the next meeting.

Alderman Roy stated a situation has arisen in Ward 1 where a group home is being created out of a duplex and I would ask, and this is something that we have worked with ward 7, I would ask that the head of our building department and the head of our planning department assemble any language in our either zoning ordinances or building ordinances regarding the renovation of properties to be group homes, and any permitting that is needed and as part of that any advice that the city solicitor may want to weigh in on. We seem to have more than our fair share of properties that are used for congregate housing in the city as we have discussed with Criminal Justice, and it seems that people are now trying to find ways around this Board and some of our ordinances by either limiting use and changing ownership. I would like the two departments and the solicitor to weigh in at our next meeting. This can affect any ward at any time and I believe people are trying to find ways around the ordinances. So if we could take a look at that.

Alderman Shea stated one of the considerations that board members have to realize that any time a non-profit takes over property the real estate taxes then go down and more residential property taxpayers have to bear that burden, and I think that a lot of people as Alderman Roy has suggested are getting around this and bringing in certain proposals. There was one, and I thank Alderman Garrity for tabling this, helping hands was going into one ward, they couldn't get it there and shifted it and wanted to come in to ward 7 and I and my residents strongly opposed because we have worked hard to build up a certain section and we have tried basically to make that section livable. I know that Dan O'Neil has helped in the back of that residence in question 335 Somerville, because it is a very desolate area which could be prone to activities that are not in my judgment types of activities that we would want to condone. So basically he hit on an important point, because things come up unexpectedly not only at board meetings as Alderman Gatsas has suggested, but obviously at times which we are not aware of. And I think Alderman Garrity for tabling that at the last meeting because that would have added a great deal of anguish in ward 7.

Alderman Smith wished to thank a couple of department heads. Leon LaFreniere for taking care of the situation on Third Street; Kevin Shepard and Highway for doing the parking lot at Raco Theodore Park, and Parks and Recreation if you go to the river park and there was a big debate and Manchester West is going to have some fine soccer and baseball fields it's about 85% done right now and advise each of you to go down there it is money well spent.

Alderman Forest stated unfortunately I spent last week taking pictures in my ward this has come up before there is nothing on here that is new, and he shared the set of pictures he had taken with members of the Board. I'll start with Maxwell Pond Area. I was told a couple of months ago this was going to start in the fall, there are pictures there of what it looks like and the things that residents in the area have to look at on a daily basis. I have no answers as far as a date on it. Some of the stuff I am going to talk about is financial and I know Parks and Rec. doesn't always have the money and I really don't want to criticize them for things but there are things there, you will see there is an area there in the pictures it looks like a green mud hole that is full of tires, shopping carts, propane tanks and it is near a ball field. It really needs to be cleaned up. There are kids that go in and out of there on a daily basis and the place as far as I'm concerned is hazardous. There are two things on there you will see pictures that I have marked off in black pen and that is something, one of them is the playground down behind the west side arena that I have been asking for, for over seven years that I have been here. I keep getting an answer that we will find out, nobody gives me an answer as to when it is going to be replaced or anything else. Bartlett Park which is near Maxwell is another one. That playground has been removed for five years; none of the kids in the area have a playground. This playground I and again suppose to be getting an answer as to when and how much. I have not. There are some pictures there about bleachers. This is at West Little League, the bleachers are out of wood they may be as old as I am, they are all rotten. The little league people had two people fall through these bleachers last season. I needed an answer as to either they bring wood so the league can fix it or they repair them, that still has not been done. There are some pictures also there the project that was started is the Junior Deb Softball League many years ago, the League spent over \$11,000 in new turf there 10 years ago, and you will see the pictures, there is nothing there now but dirt. Parks and Rec. informed me a few years ago that they were going to try to seed it and fertilize it and that has not been done and that grass is all gone. That's my venting for tonight Your Honor but again I have seen the newspapers in the last few weeks not that I begrudge Alderman Garrity for getting playgrounds in the south end, but you know but he requested playgrounds three months ago, not only did he get them, they are done already, and I have requested stuff for 5 and 6 years and apparently the west side is being neglected and my constituents want these things done. Alderman Forest noted that he had spoke with the mayor's office and had no reply on some of that stuff.

Mayor Guinta stated what we can do is refer some of the clean up items to the NET, and I am sure the NET would be happy to put it on the schedule for clean up and I can certainly if you can make a notation to meet with Chuck DePrima so we can get a schedule together I'd be happy to have the CIP Chairman, as well as the Alderman attend the meeting so we can work out a schedule.

Alderman Forest noted there were two other things on there also, one is the trestle that the fences are all broken, I did refer it to Sean and I am still waiting for an answer, those fences have been gone all summer and it's very dangerous for kids falling in. The other is Upland Street, Alderman Lopez and myself three years ago has been asking that the area be cleared back.

Alderman Gatsas stated I am in receipt of the Facilities Division on the breakdown of the \$5 million that I had questioned, I certainly thank them for their work, but I guess I had some questions that maybe the City Solicitor, I am going to ask him to look at it because there are some things in here that I question whether they are bondable items. One being Stateline sports Southside and Parkside volleyball stands \$6,100. Another one being \$875,000 and I would like it broken down from WB Mason that we have spent \$875,000 I'm not too sure if that's office equipment or what it is but I'm not too sure that was part of the design build project. In response to question, Alderman Gatsas noted he was referring to a memo from Tim Clougherty which had been passed out dated 9/28/07. Alderman Gatsas stated he apologized for not going through the line items before hand but when you start looking at the WB Mason line item I don't know what that is for.

Mayor Guinta asked if they could refer it to Finance and have a report at the next BMA meeting so we are properly informed. Alderman Gatsas concurred.

Alderman Roy noted a clarification of the report being on the \$105 million, the whole project, not just the contingency.

Alderman Roy noted they had been reading about the recycling project in the paper and asked for an update from the Mayor's office.

Mayor Guinta advised that he had no report, he had not heard from Mr. Corcoran. The Corcoran company withdrew their application for Dunbarton Road, and I learned of their newest comments by reading them in the paper, I have not heard from them so I don't know what their intention is, but they have withdrawn their application for Dunbarton Road and it doesn't appear that they have an interest in going to Dunbarton Road, they did convey that to me a few weeks ago, but since they have removed their application for Dunbarton Road we do not have any update from the company as to what their intention is.

Alderman Forest stated there was an article in the paper that you were meeting with them and I was wondering what happened.

Mayor Guinta replied that meeting was this past Tuesday I was ill staff met with them and that's when they indicated that they would like to withdraw completely from the agreement we have in place on Dunbarton Road, and the following day you saw the comments in the paper by the owner of the company and we have not spoken with him since that point, I do have an internal staff meeting scheduled for tomorrow and we are going to instruct staff at that time to reach out to Corcoran and see what their intention is.

Alderman Forest stated I understand that a year and a half ago we signed a contract which was voted 14-0 with Corcoran.

Mayor Guinta stated that was the contract they have asked to be released from.

Alderman Forest stated in that contract and I checked with Tom Clark today, in that contract there is a thing that says that they should build it on Dunbarton Road, and I am wondering what liability it puts us into if we don't follow through in having them build the thing.

Mayor Guinta stated they actually withdrew their application, they have withdrawn their request to build it at Dunbarton Road. So, at this point at tomorrow's meeting with internal staff I will get an internal update and ask them to engage with Corcoran to see what their intention is in terms of moving forward. They've requested to negate that contract, and they have withdrawn their application at Dunbarton Road. I don't have an update beyond that because they have not shared with me or anyone in my office what their intention is.

Alderman Forest noted because there is a lot of misinformation given out to the residents of both Dunbarton and all of that, there is some misinformation out there and one of the misinformation out there is that no one was notified. Well one being the chair of the committee at one time, back in 2004, there were plenty of notices given out, there were plenty of newspaper, radio and television, and channel 22 about this project. There were also notices sent out with the EDP bills a year ago. I know there is some people that are saying we were holding secret meetings. You were involved in some of those meetings when we set up the RFP, and we got rid of Waste Management because that was where we were getting all of our problems. To invite companies to come up with a way of recycling. It's kind of upsetting to me where we spent a lot of meetings and we publicized these meetings to have people come here and tell us that we did all of this in secret. I just want it clarified that none of this was ever done in secret. I'm not sure what you or Corcoran is going to do on this, but none of this was done in secret.

Alderman Lopez stated I guess no ward alderman wants them in any ward, it is a fair question that Alderman Forest asked, is there any legal obligation, any liability on our part, and I think the City Solicitor ought to advise us as we move forward.

City Solicitor Clark stated we have a contract with Corcoran Waste right now and the contract says they will lease the Dunbarton Road site and they will build a recycling facility on that site.

Alderman Lopez stated so in your opinion they can't come back and sue us for anything.

City Solicitor Clark responded I don't see where the City is at risk at this point, no.

Mayor Guinta stated again, they withdrew their application and they have asked to be released from that agreement.

Alderman Lopez stated so I guess the answer is to let it go and we follow them to where ever they go.

Mayor Guinta stated it would be preferable to hear from Corcoran, we haven't heard from them we will have the internal staff meeting at which point I am going to ask them to re-engage with Corcoran but they have not communicated with me or anybody on the Board.

On motion of Alderman Smith, duly seconded by Alderman Thibault, it was voted to adjourn.

A True Record. Attest.

City Clerk